

## AUTHORITY

The Social Welfare Act, 1939 PA 280, is an act that requires the reporting of abuse, neglect, or exploitation of an adult by certain persons, and permits the reporting of abuse, neglect, or exploitation of an adult by all persons. It includes the legal requirement for reporting, investigating and responding to abuse, neglect, or exploitation of an adult.

This act sets forth civil penalties for a mandated reporter's failure to make a report of reasonably suspected abuse, neglect or exploitation of an adult. Additionally, it states the civil immunity for a party making a report in good faith.

## PURPOSE

The intent of this item is to inform Michigan Department of Health and Human Services (MDHHS) employees of their responsibilities as mandated reporters of suspected abuse, neglect or exploitation of an adult, to provide instruction on how to report such instances, and consequences for failure to report.

## DEFINITIONS RELATED TO ADULT ABUSE, NEGLECT, EXPLOITATION

**Abuse** - Harm or threatened harm to an adult's health or welfare caused by another person. Abuse includes, but is not limited to, non-accidental physical or mental injury, sexual abuse, or maltreatment.

**Adult, or adult in need of protective services** - Vulnerable person not less than 18 years of age who is suspected of being abused, neglected, or exploited.

**Exploitation** - An action that involves the misuse of an adult's funds, property, or personal dignity by another person.

**Neglect** - Harm to an adult's health or welfare caused by the inability of the adult to respond to a harmful situation or by the conduct of a person who assumes responsibility for a significant aspect of the adult's health or welfare. Neglect includes the failure to provide adequate food, clothing, shelter or medical care. A person shall not be considered to be abused, neglected or in need of emergency or protective services for the sole reason that the person is receiving or relying upon treatment by spiritual means through prayer alone

in accordance with the tenets and practices of a recognized church or religious denomination, and this act shall not require any medical care or treatment in contravention of the stated or implied objection of that person.

**Adult Protective Services** - Includes but is not limited to, remedial, social, legal, health, mental health, and referral services provided in response to a report of alleged harm or threatened harm because of abuse, neglect, or exploitation.

**Vulnerable** - A condition in which an adult is unable to protect himself or herself from abuse, neglect, or exploitation because of mental or physical impairment or because of advanced age.

## MANDATED REPORTERS

The Social Welfare Act requires persons who are employed, licensed, registered, or certified to provide health care, educational, social welfare, mental health, or other human services; an employee of an agency licensed to provide health care, educational, social welfare, mental health or other human services; a law enforcement officer; or an employee of the office of the county medical examiner to report suspected abuse, neglect or exploitation of an adult. **All MDHHS employees are mandated reporters of adult abuse, neglect and exploitation.**

## Procedures for Making A Report

An individual identified as a mandated reporter who suspects or has reasonable cause to believe an adult has been abused, neglected, or exploited shall make **immediately**, by telephone or otherwise, an oral report to the MDHHS adult protective services unit in the county in which the abuse, neglect or exploitation is suspected of having occurred.

MDHHS county office contact numbers are listed on both the MDHHS-Net and the public MDHHS website and can also be located in the government section of most telephone books.

The report shall contain the name of the adult and a description of the abuse, neglect, or exploitation. The report shall contain other information available to the reporting person that may establish the cause of the abuse, neglect, or exploitation and the manner in which the abuse, neglect, or exploitation occurred or is occurring.

After making an oral report, a written report is not required by law, but is encouraged to document that the report was made.

When in doubt about when to make a report of suspected abuse, neglect or exploitation of an adult, contact the local MDHHS adult protective service unit for consultation.

### **Failure to Report**

A person required by the Social Welfare Act to make a report of suspected abuse, neglect or exploitation of an adult who fails to do so is liable civilly for the damages proximately caused by the failure to report, and a civil fine of not more than \$55 for each failure to report.

Employees failing to report may face disciplinary action.

A person acting in good faith who makes a report will be immune from civil liability which might otherwise be incurred by making the report or by assisting in the making of the report.

### **Identity of the Reporting Person**

The identity of the person making a report must be confidential, subject only to disclosure with the consent of that person or the judicial process.

For more information, contact the MDHHS Office of Adult Services.